

# UNITED STATES DISTRICT COURT

## Western District of North Carolina

UNITED STATES OF AMERICA

V.

FOREST SHANE LYNN

) **JUDGMENT IN A CRIMINAL CASE**) (For **Revocation** of Probation or Supervised Release)

) (For Offenses Committed On or After November 1, 1987)

)

) Case Number: DNCW213CR000009-009

) USM Number: 28300-058

)

) Charles W. McKeller

) Defendant's Attorney

**THE DEFENDANT:**

- ☒ Admitted guilty to violation of conditions 1-6 of the term of supervision.
- ☐ Was found in violation of condition(s) count(s) after denial of guilt.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following violations:

Violation Number	Nature of Violation	Date Violation Concluded
1	DRUG/ALCOHOL USE	12/15/2016
2	NEW LAW VIOLATION - HIT AND RUN/LEAVING THE SCENE OF AN ACCIDENT; FAILURE TO MAINTAIN LANE CONTROL	12/23/2016
3	OTHER - VIOLATION OF CURFEW	12/30/2016
4	FAILURE TO COMPLY WITH DRUG TESTING / TREATMENT REQUIREMENTS	2/08/2017
5	OTHER - THE DEFENDANT HAS VIOLATED THE CONDITION OF SUPERVISION THAT STATES, "THE DEFENDANT SHALL PERMIT A PROBATION OFFICER TO VISIT HIM OR HER AT ANY TIME AT HOME OR ELSEWHERE AND SHALL PERMIT CONFISCATION OF ANY CONTRABAND OBSERVED BY THE PROBATION OFFICER," IN THAT, ON 2/1/17 USPO ADVISED HIM TO BE AT HIS RESIDENCE ON THE MORNING OF 2/2/17. USPO MADE MULTIPLE ATTEMPTS TO CONTACT THE DEFENDANT AT HIS RESIDENCE DURING THE MORNING HOURS OF 2/2/17, WITHOUT AVAIL	2/02/2017
6	OTHER - ASSOCIATING WITH A PERSON ACTIVELY INVOLVED IN CRIMINAL ACTIVITY	2/03/2017

The Defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ The Defendant has not violated condition(s) and is discharged as such to such violation(s) condition.
- ☒ Violation 7 is dismissed on the motion of the United States.

**IT IS ORDERED** that the Defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 4/20/2017

Signed: May 4, 2017

  
 Martin Reidinger  
 United States District Judge



Defendant: Forest Shane Lynn  
Case Number: DNCW213CR000009-009

Judgment- Page 2 of 4

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of TWELVE (12) MONTHS. THE TERM OF IMPRISONMENT IMPOSED BY THIS JUDGMENT SHALL BE SERVED CONSECUTIVELY TO ANY TERM OF IMPRISONMENT PREVIOUSLY OR HEREAFTER IMPOSED BY THIS OR ANY OTHER STATE OR FEDERAL COURT.

☒ The Court makes the following recommendations to the Bureau of Prisons:

1. Placed at a location with adequate facilities to treat defendant's prior diagnosis of Hepatitis C, considering his security classification.
2. Participation in any available educational and vocational opportunities.
3. Participation in the Federal Inmate Financial Responsibility Program.
4. Participation in any available substance abuse treatment program and if eligible receive benefits of 18:3621(e)(2).
5. Defendant shall support all dependents from prison earnings.

☒ The Defendant is remanded to the custody of the United States Marshal.

☐ The Defendant shall surrender to the United States Marshal for this District:

- ☐ As notified by the United States Marshal.
- ☐ At \_ on \_.

☐ The Defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ As notified by the United States Marshal.
- ☐ Before 2 p.m. on \_.
- ☐ As notified by the Probation Office.

### RETURN

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at

\_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

Defendant: Forest Shane Lynn  
Case Number: DNCW213CR000009-009

Judgment- Page 3 of 4

### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$0.00	\$0.00	\$0.00

- ☐ The determination of restitution is deferred until. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☒ In all other respects, the terms of the original judgment [Doc. 334] in this matter remain in full force and effect.

### FINE

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- ☐ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

### COURT APPOINTED COUNSEL FEES

- ☐ The defendant shall pay court appointed counsel fees.
- ☐ The defendant shall pay \$0.00 towards court appointed fees.

Defendant: Forest Shane Lynn  
Case Number: DNCW213CR000009-009

Judgment- Page 4 of 4

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☐ Lump sum payment of \$0.00 due immediately, balance due  
☐ Not later than \_\_\_\_\_  
☐ In accordance ☐ (C), ☐ (D) below; or
- B ☒ Payment to begin immediately (may be combined with ☐ (C), ☐ (D) below); or
- C ☐ Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of \$50.00 to commence 60 (E.g. 30 or 60) days after the date of this judgment; or
- D ☐ Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of \$ 50.00 to commence 60 (E.g. 30 or 60) days after release from imprisonment to a term of supervision. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. Probation Officer shall pursue collection of the amount due, and may request the court to establish or modify a payment schedule if appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court costs:
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States District Court Clerk, 401 West Trade Street, Room 210, Charlotte, NC 28202, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.